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THE VARIOUS VIEWS AND CONTROVERSIES ON CHURCH
POLITY IN THE LUTHERAN CHURCH OF
AMERICA, TO 1837.

A thesis
presented to the faculty of
Concordia Seminary
St. Louis, Mo.

by

WALTER O. FORSTER

in partial fulfilment of the
requirements for the degree
of
BACHELOR OF DIVINITY.

Approved M. G. Pollock 4/18/55
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CHAPTER ONE

INTRODUCTION.

A. Principles of Church Polity as stated in the Lutheran Symbols.

In order to present an accurate picture of that portion of Lutheran Church History to which this study is devoted, we must have some foundation from which to work common to all of the Lutheran bodies which come into consideration. The only fundamental of that kind we have been able to discover is the statement of the Lutheran position on church polity which is contained in the Lutheran Symbols. However, even this is hardly satisfactory. That is the case partly because the Lutheran Symbols were not held in high regard by some of the Lutheran groups in America; partly because other factors, such as the customs of their European antecedents, political and ecclesiastical conditions in America, experiences and developments during their early organizational life, etc., etc., play an important part in shaping the policies of most bodies concerned.

And yet we shall include a statement of the Lutheran policy as outlined in its confessions. For they are the only point upon which to base the initial steps of the investigation. And though we must admit that many did not observe them as a guide, yet so long as they claimed the name Lutheran, it should have been their criterion; and on that basis we must evaluate their position.

The principles of Lutheran church polity and the related doctrines of the Church and the ministry (insofar as they affect the government of the Church) are clearly outlined in the confessions. We shall cite a few passages that define views which are truly Lutheran.

Augsburg Confession:

Art. VII: "Also they teach that one holy Church is to continue forever. The Church is the congregation of saints, in which the Gospel is rightly taught and the Sacraments are rightly administered.

"And to the true unity of the Church it is enough to agree concerning the doctrine of the Gospel and the administration of the Sacraments. Nor is it necessary that human traditions, that is, rites or ceremonies, instituted by men, should be everywhere alike. As Paul says: One faith, one Baptism, one God and Father of all, etc. Eph. 4, 5.6."

Art. XV: "Of Usages in the Church they teach that those ought to be observed which may be observed without sin, and which are profitable unto tranquillity and good order in the Church, as particular holy-days, festivals, and the like.

"Nevertheless, concerning such things men are admonished that consciences are not to be burdened, as though such observance was necessary to salvation.

"They are admonished also that human traditions instituted to propitiate God, to merit grace, and to make satisfaction for sins, are opposed to the Gospel and the doctrine of faith. Wherefore vows and traditions concerning meats and days, etc.,

Instituted to merit grace and to make satisfaction for sins, are useless and contrary to the Gospel."

Art. XXVIII: "But this is their opinion, that the power of the Keys, or the power of the bishops, according to the Gospel, is a power or commandment of God, to preach the Gospel, to remit and retain sins, and to administer Sacraments. For with this commandment Christ sends forth His Apostles...

"This power is exercised only by teaching or preaching the Gospel and administering the Sacraments, according to their calling, either to many or to individuals. For thereby are granted, not bodily, but eternal things, as eternal righteousness, the Holy Ghost, eternal life. These things cannot come but by the ministry of the Word and the Sacraments, as Paul says, Rom. 1, 16....Therefore, since the power of the Church grants eternal things, and is exercised only by the ministry of the Word, it does not interfere with civil government: no more than the art of singing interferes with civil government. For civil government deals with other things than does the Gospel. The civil rulers defend not minds, but bodies and bodily things against manifest injuries, and restrain men with the sword and bodily punishments in order to preserve civil justice and peace.

"Therefore the power of the Church and the civil power must not be confounded. The power of the Church has its own commission, to teach the Gospel and to administer the Sacraments. Let it not break into the office of another; let it not transfer the kingdoms of this world; let it not abrogate the laws of civil rulers; let it not abolish lawful obedience;

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let it not interfere with judgments concerning civil ordinances or contracts; let it not prescribe laws to civil rulers concerning the form of the Commonwealth...."

Smalcald Articles: Of the Power and PreEmacy of the Pope:

"In addition to this, it is necessary to acknowledge that the keys belong not to the person of one particular man, but to the Church, as many most clear and firm arguments testify. For Christ, speaking concerning the keys, Matt. 18, 19, adds: If two or three of you shall agree on earth, etc. Therefore, he grants the keys principally and immediately to the Church, just as also for this reason the Church has principally the right of calling...."

Smalcald Articles: Of the Power and Jurisdiction of Bishops:

"Jerome, therefore, teaches that it is by human authority that the grades of bishop and elder or pastor are distinct. And the subject itself declares this, because the power is the same, as he has said above. But one matter afterwards made a distinction between bishops and pastors, namely, ordination, because it was arranged that one bishop should ordain ministers in a number of churches.

"But since by divine authority the grades of bishop and pastor are not diverse, it is manifest that ordination administered by a pastor in his own church is valid by divine law.

"Therefore, when the regular bishops become enemies of the Church, or are unwilling to administer ordination, the churches retain their own right. (Because the regular

bishops persecute the Gospel and refuse to ordain suitable persons, every church has in this case full authority to ordain its own ministers).

"For wherever the Church is, there is the authority (command) to administer the Gospel. Therefore it is necessary for the Church to retain the authority to call, elect, and ordain ministers. And this authority is a gift which in reality is given to the Church, which no human power can wrest from the Church, as Paul also testifies to the Ephesians, 4, 8, when he says: He ascended, He gave gifts to men. And he enumerates among the gifts specially belonging to the Church pastors and teachers, and adds that such are given for the ministry, for the edifying of the body of Christ. Hence, wherever there is a true church, the right to elect and ordain ministers necessarily exists. Just as in a case of necessity even a layman absolves, and becomes the minister and pastor of another; as Augustine narrates the story of two Christians in a ship, one of whom baptized the catechumen, who after Baptism then absolved the baptizer.

"Here belong the statements of Christ which testify that the keys have been given to the Church, and not merely to certain persons, Matt. 18, 20: Where two or three are gathered together in my name, etc."

It has been evident from the very beginning of the Lutheran Church that its views on church polity are built up on two major principles of Christian doctrine, namely, the spiritual priesthood of all believers, and the submission to all properly established and authorized government within the

the Church and outside of it, so long as this government does not act contrary to the divine will and command. --- As expressed by Luther and as taught in the Confessions, the individual congregation is the unit of authority and power, but for its organization or for the organization of a body of congregations no divinely ordained or established form is recognized. "The Lutheran Principle is that any form of organization which is successfully employed, and is not contrary to the Word of God, is proper."* It is therefore to be expected, and history has borne this out, that the form is variable according to the conditions and circumstances of the various times and places.

B. European Background for the Study of American Lutheran Church Polity.

In accordance with this adaptable policy of the Lutheran Church there developed early in its history the system whereby the Church placed itself under the jurisdiction of the civil authorities. However debatable the wisdom of such action may be, the fact remains that this was very generally considered the most expedient course of procedure at that time, and has never been altered by the majority of Europeanⁿ Lutheran Churches to the present day. Accordingly this fact is of some importance for Lutheran beginnings in America, since the pioneers of that faith in this country were invariably influenced,

* Fortenbaugh, p. 39.

either positively or negatively, by their old-world concepts and environment^s, when they set up governmental policies for churches which they established in the New World.

Out of the state church system and the prerogatives which it relinquished to the civil government there developed chiefly three forms of administration as the years went by. These were: The Episcopalian System, in which the ruler was the "Summus Episcopus" by virtue of his secular office; the Territorial System, which was based upon the theory that the true church was the invisible church and that therefore all matters of administration and government were merely methods of maintaining outward peace, which, of course, rightly is the duty of secular authorities; the Collegial System, which held that the church was under no authority other than that of its members.*

Perhaps none, and certainly not all, of these European churches adhered strictly in every detail to the various features of polity demanded by the classification under which it properly belongs. So for instance, the Swedish Church, though Episcopal according to its general formation, did not embody all the hierarchical absolutism which the bare term might suggest. Yet it must be admitted, that "the freedom of the congregation, while theoretically held in Germany, was practically denied. There the secular ruler was the controlling factor." **

* Jacobs, Hist., p. 102ff.

** Fortenbaugh, p. 29.

At this point it is not to be overlooked that the Calvinistic influences which made themselves felt in a number of respects, play a rather important role also in the matter of church polity. * Zwinglianism and Calvinism both developed in the course of time what may broadly speaking be called a presbyterial form of ecclesiastical administration, the distinguishing feature of which was its representative character. The various component parts of the system in their official gradations all had a certain amount of legislative authority, corresponding to their position on the scale of governing units. This eventually disappears almost entirely from American Lutheranism, but the plan of a representative government which was used by the Lutheran bodies when they organized in this country is due at least in a measure to the influence of Calvinism, both here (e.g., Methodist organizations) and in the homeland (e.g., Dutch Church), so that we may concede at least a certain contribution on the part of Presbyterianism to the Synodical form of church polity as it later developed in the United States.

The Lutheran Church, when it came to this country, was free to develop its ecclesiastical organization along the lines it chose. Free as it never had been under the hostility, tyranny, secularism, or at best paternalism, which hampered its natural growth in Europe.** Added to that is the fact that many if not all of the churches here accepted into their membership many nationalities, each of which brought with it the traditions of its former "Landeskirche",

* Luth. Encycl., p. 14.
** Kraushaar, p. 1-2.

and all of which contributed organizational features which never could have penetrated into the exclusiveness of any single state Church of Europe. It is difficult, if not in most cases impossible, to gauge the extent of this old-world influence on the constituent elements which went to make up the different Lutheran Church bodies in America. Nor is that the duty and purpose of this study. The suggestion is only that we dare not lose sight entirely of this background as we now proceed to the treatment of the subject proper: "The Various Views and Controversies on Church Polity in the Lutheran Church of America."

...work somewhat more closely than that of many leaders who played a part in this phase of American Lutheran Church history. "For such importance can hardly be attached to this work as to the work which he accomplished."

However, before we can understand and evaluate this work, we must review briefly what had gone before, what had actually been done toward the organization of the Church, and what the situation was at the time that Muehlberger took it into his own hands.

1. The First Lutherans.

When dealing with most of the groups which will be mentioned in this introductory section, it is incorrect to speak of a church polity. In many cases there was nothing of the kind. The reasons for this varied. In the one case it was lack of authority; in another case it was the result of

* Forstmann, p. 24-25.

CHAPTER TWO

From the Beginnings of the American Lutheran Church to the Organization of the Ministerium of Pennsylvania.

The occurrences of this period are a prelude to the more significant events of the next, which is dominated by the ability and the energetic action of one man, namely Heinrich Melchior Muehlenberg. His influence on the organization of the Church at that time, and its effects which were carried over into the congregational and synodical history of succeeding generations of Lutherans in America, make it necessary to examine his work somewhat more closely than that of many ^{other} leaders who played a part in this phase of American Lutheran Church history. "Too much importance can hardly be attached to this man or to the work which he accomplished." *

However, before we can understand and evaluate this work, we must review briefly what had gone before, what had actually been done toward the organization of the Church, and what the situation was at the time that Muehlenberg took it into his own hands.

A. The Dutch Lutherans.

When dealing with most of the groups which will be mentioned in this introductory section, it is incorrect to speak of a church polity. In many cases there was nothing of the kind. The reasons for this varied. In the one case it was lack of authority; in another case it was the result of

* Fortenbaugh, p. 34-35.

too much authority--that is, authority vested in the wrong people.

An example of the first case are the Dutch Lutherans in New York. Drive^N from their fatherland by the law prohibiting the observance of any faith save the Reformed; they came to the American colonies, where they organized a congregation in 1648. But when they "requested the authorities to grant them permission to call a Lutheran pastor, they received a curt refusal at the hands of the governor, Peter Stuyvesant." ** They appealed their case to the authorities overseas, and the request was granted. But the fact that they made this appeal to the consistorium*** shows their reliance upon the state church to which they had become accustomed, and is an example of a system which was to prevail in American Lutheranism for many years, namely that of dependence upon ecclesiastical government from abroad. The unconfessional paternalism illustrated in this case was common among many of the early Lutheran bodies, and had disastrous results in most instances.# This is more clearly illustrated when we review the polity of the Swedish Lutheran Church in America during this period.

Had education in Holland.

B. The Swedish Lutheran Church.

The first serious effort² made by a Lutheran pastor to serve a Lutheran colony was that of the Swedish cleric Reorus Tor-

* Mc Klintock and Strong, p. 579.
** Bente, p. 21.
*** Jacobs, Encycl., p. 106.
A concise statement of the history of the Dutch Lutherans in America is given in Schaff-Herzog, p. 84/

killus* (d. 1643) in the Delaware territory. He did his utmost to serve the flourishing congregations of his fellow-countrymen in the New World. His successor, John Campanius, was active in this same field from 1643-1648, when he returned to Sweden. But the prosperity of the colony excited the envy of the Dutch, so that in 1655 they took possession of it, and all Swedish pastors were forced to leave. ?

The viewpoint of church polity in this period of their history was merely a continuation of the system to which they were accustomed from conditions in their former home. They regarded themselves and were regarded as missions of the Swedish Episcopate, and when they organized into congregations, they quite naturally fell under the jurisdiction of the ecclesiastical authorities at home. Their system of church polity, therefore, was nothing but an American version of the episcopacy as it was administered in Sweden. They were anything but independent, and never thought of themselves as that**. That this was really their attitude, and the results it had for their ~~intermittent~~ existence as an ecclesiastical entity became apparent from their later history.***

Though the Church authorities at home had sent several men to serve their congregations in Delaware, these men returned to Sweden when the Dutch captured the colony, as stated above. Yet the immigration continued, and the need for pastors increased. During the years that they were orphaned

* The date of his landing has often been given as 1637, but we have followed Jacobs (Hist., p. 81) who gives 1639.

** Jacobs, Hist., p. 104.

*** Ibid., p. 305.

(1655-1696) the Swedish congregations were left at the mercy of a number of destructive influences, all of which threatened to (and later did) undermine the fundamental structure of their organization.*

The few faithful men of their faith who spoke their native tongue found it utterly impossible to serve them adequately. Added to that was the open hostility of some of the Dutch Reformed clerics (calling themselves Lutheran when the occasion demanded), who made life miserable for the staunchest of the remaining Swedish pastors, Lars Lock. Nor were the congregations prepared to take care of themselves; for instance, to provide pastors for their own congregations from their midst. They were accustomed to look for the performance of such duties, though properly congregational, to their bishop. That they did not at this time, when they had the opportunity of organizing along different lines and of developing any other form of church government to which they may have been inclined, at least take steps in that direction, shows that they were thoroughly committed to the episcopal form of church polity. During much of this time they were served by Dutch pastors,** and the groundwork was laid for the crassly unionistic tendencies which later spelled their downfall.

Finally in 1693 the congregations addressed a plea to Charles XI of Sweden (as their temporal and spiritual head) for men to serve their needs. It was four years before their request was actually answered and three men were sent. This,

* Jacobs, Hist., p. 87ff.
** Ibid., p. 96.

of course, poured new life into the veins of their decadent Lutheranism, but it did not provide sufficient strength to prevent eventual dissolution. The polity of this period is especially interesting because of the contrasts it affords. In some respects there was a spirit of hierarchical legalism, in others indifferent liberalism. Thus we hear, for instance* that there was a definite scale of fines or monetary penances assessed for various offences. Whoever refused to pay was excommunicated and denied interment in the cemetery. On the other hand, unionism was rampant.

Partly because of their weak doctrinal position, partly also because of the affinity which they felt for one another as a result of their related views on polity, the Lutherans and the Episcopalians soon began to exchange pulpits, pastors, and churches, and in general to fraternize to such an extent that both parties agreed they might as well unite; in fact they were united.** During this time they were under the government of "provosts" from Sweden, but these did little to stem the tide which was inundating their churches. And it is little wonder, considering that they were actually encouraged in this practice by the authorities at home.***

* Graebner, p. 86.

** "As our church is called by them 'the sister church of the Church of England,' so we also live fraternally together. God grant that this may long continue!" (G., 118). Thus from the very beginning the Swedish bishops encouraged and admonished their emissaries to fraternize especially with the Episcopalians. And the satisfaction with this state of affairs on the part of the Episcopalian ministers appears from the following testimonial which they gave to Hesselius and J.A. Lidénus in 1723: "They were ever welcome in our pulpits, as we were also welcome in their pulpits. Such was our mutual agreement in doctrine and divine service, and so regularly did they attend our conferences that, aside from the different languages in which we and they were called to officiate, no difference could be perceived between us." Graebner, pp. 118, 131; Transl. by Bente, p. 14.

*** Bente (quoting Graebner), p. 13.

The result was inevitable. The Episcopalian faith was recognized in the colonies since these were all under British administration by the time the denouement was completed through Provost Wrangel.* The Swedes meanwhile were growing continually weaker, if not in numbers, then certainly in their confessional position. It is not surprizing to learn therefore, that on June 29, 1768 the Swedish Provost, head of his Church here in America, treacherously deserted the organization and formally delivered it into the hands of the Episcopalians. This was officially recognized June 25, 1789.**

The significance of this portion of American Lutheran Church history can be summarized in a few short sentences. I. It contains the first instance of any definite church polity among American Lutherans. II. It is an example of church polity not frequently found in the history of the Lutheran Church in America, namely the Episcopal. III. The example of the Swedes is typical of what Bente calls the "hierarchical paternalism" (p. 16) common to many of the Lutheran groups and the church governments which directed their activities from the homeland. IV. The results were

* Jacobs, Hist., p. 282.

** "Zu einem solchen Complot, wie es hier vor unsern Augen enthuellt wird, gab sich D. Wrangel her, nachdem er sich mit dem Gedanken abgefunden hatte, dass die Tage des schwedisch-lutherischen Kirchenthums in America ihrem Ende zueilten und zueilten sollten, und dahin hatte sein Brudersehaften mit den Reformirten gefuehrt." Graebner, p. 394.

"Damit war also die schwedische Kirche in America aus dem Verband der Kirche des alten Vaterlands entlassen, oder war vielmehr ihr Auszug aus demselben anerkannt. Und das hatte leider um so mehr Grund, als diese Gemeinden auch innerlich, ihrem Bekenntniss nach, nicht nur vonder schwedischen, sondern auch von der lutherischen Kirche entweder ausgegangen waren oder auszugehen im Begriff standen." Graebner, p. 403.

duplicated in a number of parallel instances. V. The doctrinal laxness and the unionistic practices which accompanied this indifference are typical of Lutheranism at that time, and give a fair picture of the problem which Muehlenberg later encountered and which he had to solve.

C. German Immigration.

Meanwhile, however, Germans had been pouring into the colonies by the thousands, and had changed the complexion of American Lutheranism considerably. It is beyond the scope of this study to examine each of the immigrational movements separately, but we shall sketch an outline of their general character.

Many, if not a majority of the German immigrants at this time, as the Salzburger* and the Palatines** came to America in order to escape either political or ecclesiastical tyranny in their homeland. It is then not surprising to notice that in at least one respect they were beginning to show an advance over the Lutheran groups which had preceded them. That was in the development of the congregational consciousness. Of course, some of the old conceptions of dependence in church polity remained, as will become evident from the ~~practical~~ activities of Muehlenberg. Yet, "transplanted to a different political system, these Germans were confronted with the necessity of working out a new form of church organization".*** While it is true, as Fortenbaugh continues to point out, that these

* Bente, p. 16ff.

** Ibid., p. 29ff.

*** Fortenbaugh, p. 33.

people were not yet competent to do that, still they were far more amenable to the idea of breaking away from the traditional paternalism than their predecessors had been. In fact, it was just because of the abuses which this bred, that many of them had come to America.

They usually organized into congregations and attempted to call a pastor from somewhere. If this could be done through the consistorium in Germany, well and good, they did. If not, they got them elsewhere. Naturally, under such conditions the old ideas of submission to the authorities as they were constituted in the European churches suffered, even if they were not entirely lost. Most of the congregations had come into contact with their Reformed neighbors and many of the congregational units were administered according to the presbyterial system which was common among the Calvinists. * Practically, their polity amounted to administration by a council composed of the pastor and the committee of elders and deacons.** We may not claim that great strides were made toward an efficient congregational administration (in fact, subsequent developments show that it was anything but that) or toward a general organization along broader synodical or inter-synodical lines as we have come to know them, but the beginnings had been made, and the activities of a Muehlenberg were now possible.

D. Conditions in the Lutheran Church of Colonial America.

And they were necessary. The conditions in the Lutheran Church of this time approach--yes, and in some cases

* Kraushaar, p. 9.

** Ibid., p. 8.

*** Ibid., p. 8.*

constitute--anarchy. Chr. O. Kraushaar in his "Verfassungsformen"* has a paragraph which will serve to give an impression of the confusion which reigned in those days. He says: "Here and there a few families band together and form a congregation. The office of the pastor is represented by a teacher, a student, an eloquent tailor, or the prayer-book in the hand of a farmer; what is known under normal circumstances as emergency Baptism here becomes the rule; many marriages are entered upon without enlisting the services of the Church; in many functions of the Church, e.g., burial services, one is little concerned about confessional distinctions, but is well satisfied if, in the absence of a Lutheran pastor, it is possible to find a Reformed or Anglican cleric who is willing to officiate; there is little if any inter-congregational relationship between these early churches."

When Gabriel Naesman took office as pastor of the Gloria Dei congregation in Philadelphia in 1743 he found the situation so intolerable that he considered it necessary to submit the following points to his people, in order that he might find out what their position was on these fundamental questions;** 1) Whether they wished to join in preserving the Christian doctrine among them? 2) Whether they were prepared to curb all disorderliness among them? 3) Whether they were in full agreement with the Lutheran Symbols? 4) Whether they wished to provide for the religious instruction of their children themselves, or have them sent to other congregations?

* p. 3; translation by the writer.

** Graebner, p. 335ff.

NOTE: He was not able to gather enough members of his congregation to have a meeting until 1744, although notices had been issued at four different times.

7) Whether they intended conscientiously to have the infants in the congregation baptized? "In brief, there are Germans here, and probably the most of them, who despise God's Word and all good outward order, blaspheme and frightfully and publicly desecrate the Sacraments..... And the chief fault and cause of this is the lack of provision for an external visible church-~~communion~~.**"

The men who were serving the Lutheran Church of this time were for the most part willing, consecrated, and conscientious men, even though their confessional position at times was lax, to say the least. But they were not equal to the situation. The territory simply was too large for them to cover.** The number of immigrants was growing so rapidly that they could not keep pace with the ever-increasing demand for pastors. The result was twofold: They often did not do the work which they had been called to do as thoroughly as they should have, and their congregations consequently suffered. Or they restricted themselves to what it was possible to accomplish with some degree of thoroughness, and thus were forced to leave new fields to the deprivations of all manner of impostors, many of whom were not even ordained ministers,

* Bente, p. 56-57 (quoting Falckner).

** Jacobs, Hist. p. 131.

and to the proselyting of the Moravians under Zinzendorf and men of his stripe.*#

Efforts were being made, of course, to better conditions. Notable among these was the short-lived "Fraternity" of the New York pastors, which was organized in order to settle the quarrel that had arisen between the Rev. Wolff and his congregation at Newton. The matter was handled efficiently by the representatives of nine congregations, so that the contending parties reached a satisfactory agreement. But the settlement of this particular question was the only real purpose of the organization (if such it can be called), and it did not outlive the fulfillment of this aim.**

* Described also in Bernheim, "History of the Lutheran Church in North and South Carolina", p. 360ff.

An example of the looseness in doctrine, fellowship, and organization typical of the times is provided by the Lutherans in South Carolina. Bente (Graebner 106ff) describes it in the following words: "In 1787 these ministers and congregations had united as a "corpus evangelicum".... A third meeting was held August 12, 1788; President Daser presented a constitution, which was adopted. Among other things it provided: 1. The intention of this union was not that any member should deny his own confession. 2. A Directorium, composed of the ministers and two laymen, should remain in power as long as a majority of the 15 congregations would be in favor of it. 3. The Directorium should be entrusted with all church affairs: the admission, dismissal, election, examination, ordination, and induction of ministers; the establishment of new churches and schools; the order of divine service, collections, etc. 4. Any member of any of the congregations was bound to appear before the Directorium when cited by this body. 5. Where the majority of a congregation was Reformed, a Reformed Agenda and Catechism were to be used. 6. The ministers should be faithful in the discharge of their pastoral duties,... It is self-evident that this anomalous union with a Directorium invested with governing and judicial powers, to whose decisions Lutheran as well as Reformed pastors and congregations had to submit, lacked vitality, and, apart from flagrant denials of the truth, was bound to lead to destructive frictions. After an existence of several years the "Unio Ecclesiastica" died a natural death, the Directorium, as far as has been traced, holding its last meeting in 1794." Bente, p. 118.

**Kraushaar, p. 23ff.

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The action which was finally to bring results of a more lasting and constructive character was that of the Pennsylvania group. In 1733 the Rev. John Chr. Schultz united three of the older congregations in Pennsylvania, *i. e.*, those at Philadelphia, New Providence, and New Hanover, into one parish, and suggested to them that they send him with two lay representatives to Germany, in order to put their case before Lutheran brethren there, and make a strong plea for pastors and funds to serve adequately them and the other orphaned Lutherans in America. His proposal was accepted. Though Schultz never returned from this mission, it was eminently successful; for by it he brought the cause of the Lutheran Church in America to the attention of the Rev. Franke of the Halle Institutions, and with that begins a new era of American Lutheranism.*

* Mc Klintock and Strong, p. 579.

CHAPTER THREE

From the Origin of the Pennsylvania Ministerium to the Formation of the General Synod.

A. Muehlenberg--The Man and his Work.

Nine years elapsed before the request of the Pennsylvania Lutherans was answered. But when help did finally arrive, it came in the person whom Bente* calls "the instrument whereby it pleased God to preserve the Lutheran Church in America from complete deterioration and disintegration, and from the imminent danger of apostasy through Zinzendorf." That man was Henry Melchior Muehlenberg. His is one of the most important figures in the History of the Lutheran Church in America, and must be placed beside those of Walther, Schmucker, and Krauth.

The political and religious background of the man must be taken into consideration in viewing his work here in America. "While Muehlenberg was without doubt a staunch Lutheran, fearless in his testimony to the truth and filled with a burning desire to save souls, yet his was not the genuine Lutheranism of Luther, but the modified Lutheranism then advocated in Germany generally, notably in Halle and the circles of the Pietists, a Lutheranism innoculated with legalism, subjectivism and unionism, all of which injected an element of weakness into the Lutheranism of his planting."**

* "American Lutheranism", p. 59.

** Concordia Cyclopedia, p. 539.

Weak though it may have been, the man was strong. He landed at Charleston September 23, 1742, and arrived in Philadelphia November 25. Though he was not actually called as pastor to the congregations there, but rather commissioned by the Halle people as a missionary to the Lutherans in Pennsylvania,* he nevertheless began his activities in the Churches which had issued the appeal ten years before. His first task was to purge the parishes of the pernicious influence of the Moravians and Zinzendorf, who had by this time set himself up as Inspector General of all Lutheran churches in America. It did not take a man of Muehlenberg's calibre long to unmask such an impostor,** and to command the respect of the Pennsylvania congregations.

Nor did it take him longer to realize what was the fundamental need of the Lutheran Church in this country. His expressive phrase "Ecclesia plantanda" summarizes both the actual situation and Muehlenberg's plan for the rest of his eventful life. He was determined to plant the Church here in America firmly.*** There was an imperative need for it, and he was prepared to do his utmost toward achieving that end. It will be impossible in the compass of this investigation to present all of the steps which he took in order to arrive at his goal, nor even to include the historical development of the Church under his leadership. We shall restrict ourselves to the presentation of those features of his work which have a very direct bearing upon church polity.

* Fortenbaugh, p. 34.

** Newman claims, p. 563, that Muehlenberg did not arrive until after Zinzendorf's ~~departure~~ departure for Europe, but no other history or author on this period which was available to the writer agrees with him.

*** Mc Klintock and Strong, p. 580.

Especially three documents will serve to give us the views on church polity as developed during this period under the intellectual and spiritual leadership of Muehlenberg. These are the constitution of St. Michael's Congregation, Philadelphia; the articles forming the basis for the union known as the Ministerium of Pennsylvania; and the Ministerium's constitution (1781). The chief features of these documents will now be outlined.

B. Constitution of St. Michael's Congregation, Philadelphia.

So far as we know there is no written constitution for any of the Lutheran congregations of Pennsylvania before Muehlenberg's arrival. The contents of the St. Michael's constitution is mainly his work, embodying the experience of twenty years' activity among American Lutherans. In 1762 this church adopted a constitution which contained the following leading points:*

- I. The congregation together with its pastor subscribes to the Confessions of the Lutheran Church. I, 1,4,7,9.
- II. In all matters of vital importance the congregation has the final authority. II, 7.
- III. The congregation calls its pastors (I, §) and elects its officers (II, 1-5).
- IV. The standing church council consists of the pastor, the elders, and the deacons, whose sanction must be obtained for all resolutions.

* Kraushaar, p. 18ff.

- V. Through its officers the congregation is to exercise church discipline. I, 2,8; II, 10; III, 3.
- VI. Pulpit fellowship with those of other faiths is condemned. I, 7.
- VII. The congregation recognizes the duty of educating its children. I, 4,7.
- VIII. Congregational meetings as we know them are not even considered. The Church Council is the administrative unit.
- IX. The principle of Christian freedom is to be upheld.
- X. The unity of faith with other Lutherans is recognized; fellowship with those of the same faith in this country and abroad is encouraged.
- XI. The congregation recognizes the Synod as its authority in certain points (calling of pastors from abroad, deposing of pastors, etc.).

To summarize:

All "important" resolutions, such as those involving expenditures must be passed by the congregation. The congregation reserves the right of election to offices. In everything else the polity of the church is in the hands of the church council.

G. Underlying Principles for the Founding of the Pennsylvania Ministerium.

The dedication of a new church building at St. Michael's ^{When?} provided the opportunity for which Muehlenberg had been waiting to launch his plan. Coupling it with the installation of several new men, at which there would be a number of pastors present, he made it the occasion for the organization of the Ministerium of Pennsylvania. While no formal consti- ^{cp. p. 31} tution was adopted until 1792, the underlying principles are clear from the very beginning:*

- I. The purpose of the Ministerium is to transact the business of the churches.
- II. It is in the true sense of the term a Ministerium. Only the pastors authorized by the church in Europe are constituent members of the organization. Lay delegates were present, but only for the purpose of reporting on their congregations.
- III. Power of passing resolutions rests with the Ministerium.
- IV. The pastors recognize the authority of the Halle Consistorium, and will not take any important steps without consulting it.
- V. The Ministerium decides on matters of ordination and placing of pastors, though the call of the respective congregation is necessary for ratification of the Ministerium's decisions.

* Kraushaar, p. 229.

VI. The Ministerium has the duty of exercising supervision over the congregations, and all important cases are to be decided by it.

D. The Constitution of 1781.

The Ministerium was not a consistently active and at all times a very virile organization. In fact, for years at a time (e.g., 1754-1760) it was practically dead.* However, it again showed signs of a progressive policy during the decade which brought with it the beginning of the Revolutionary War, and the result of this renewed activity was a formal con-stitution drawn up at the meeting in New Haven during October of the year 1778. This constitution was duly adopted, ~~in 1781~~ and in 1781 subscription to it was made compulsory for all ministers of the Ministerium. The guiding principles of this constitution are the same as those for the organization of the Ministerium in 1748. It is necessary, therefore, merely to reiterate the chief points, and to make the necessary additions.**

Chapter I: States the name of the organization. It is made plain that this is an association of pastors: "Wir evangelisch-lutherische Prediger von Nord Amerika"... "Ein evangelisch-lutherisches Ministerium". -- The lay delegates are consistently excluded from the determination of all questions concerning the relation of congregations, the ordination and trial of ministers, and the placing of ministers.

* Concordia Cyclopedia, p. 782.

** Documentary History, p. 165-175.

Chapter II: By the provisions of this chapter the president exercises the functions of a presiding officer according to the rules of parliamentary practice. In all official acts he is subject to the Synod. Any other authority he may exercise is implied rather than stated, and results from the representative character of his office.

Chapter III: The secretary of Synod is charged with the usual functions. Qualifications for the office are specified.

Chapter IV: "Of Reception into the Ministerium".--Those who sign the Constitution and the "agreement" are members of the Ministerium. The points of the "Agreement", which bear a marked resemblance to the "Revers" of 1748, we quote in full:

"Pg. 6. Every member signs this article or agreement:

'1, the undersigned, called as a minister of the Gospel in North America, promise before God and my Chief Shepherd, Jesus Christ:

'1. That as long as I serve any congregation in North America, I will not declare myself independent of the Evangelical Ministerium, whose Constitution I have signed; and that I will obey its rules and regulations.

'2. That I will, as God gives me strength, faithfully obey the Constitution of the Ministerium subscribed by me, use the Liturgy to be introduced, and comply with the resolutions of the Synod as long as I exercise the office of a minister in North America; that, as much as in me lies, I will promote the observance of the Constitution of the Ministerium by others.

- '3. That I will not absent myself from any meeting of Synod without urgent necessity.
- '4. That I will never consent to receive any minister whom I know to be unfit because of a lack of attainments, or of an immoral life, into our Synodical connection.
- '5. That, unless for well-founded reasons, and impelled by conscience, I will never oppose the reception of any candidate or minister into the Ministerium.
- '6. That I will not rudely refuse reproofs from the President, but even in case of an inward consciousness of innocence I will submit to them; and in case of an abiding consciousness of having been wrongly judged by the President, I will appeal to the judgment of the Synod, with whose decision I expect to be satisfied; and I will neither denounce the President nor treat him unkindly because of his censures.
- '7. That in case two-thirds of the Synod should declare me no longer worthy to be a member of the Evangelical Ministerium of North America, and consequently to have a seat and vote in a Synod, I will then give up my congregations, and no longer exercise the functions of a minister in any of the United Evangelical Lutheran Congregations of North America.'

To this the signature is to be attached."*

It is also to be noted that in doctrinal matters only ordained pastors had a right to vote. That the Ministerium reserved for itself the right of ordination and installation. Generally the relation of the minister to the Ministerium remains the same, as also the relation of the congregation to the Ministerium.

* Documentary History, p. 169.

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Chapter V: The regulations which are to govern the ^{ing} meeting of the Synod are set forth. Congregational delegates are guaranteed separate hearings in matters of complaint.

Chapter VI: "Of the conduct of ministers in their official and other relations". -- Ministers are to introduce constitutions in their congregations which are in accord with this document. They pledge themselves to use the accepted order of service.

E. Conclusions Concerning Church Polity as it was Developed Under Muehlenberg in Pennsylvania.

How did the principles of these three major documents of early American Lutheran church polity work out in practice? The question is an important one, for upon them was based the administration of the Lutheran Churches in the East for many years; they affected the policies even of those bodies which did not subscribe to them; and their influence is noticeable in the General Council (and more recently in the United Lutheran Conference) down to our own times. 7

Fortenbaugh aptly remarks:* "It is very clear from the foregoing that the ideas in the minds of the founders of the Ministerium were that the Ministerium should have real power and authority, which it would and could exercise, or else it had no reason to be." In fact, the lay delegates were not members of Synod. When real matters of importance came up for discussion, the lay delegates were excluded from the meetings, and also otherwise there was a recognition of the

* "Development of Synodical Polity," p. 46.

prerogative of the clergy. "It was provided that delegates should be heard on matters of business, and after their business was done, they could either remain at the convention or go home."* The viewpoint was this, that the congregations were really all one, that they formed one parish, and that they therefore had nothing to do at the meetings of the ministers but to report on matters pertaining to the condition in their congregation; or if the occasion should demand, to bring any complaint against their pastor which they might have to make.**

They were in fact not permitted to call their own pastors, though the official congregational constitution guaranteed them that right (Cf. p.28). The Ministerium as such placed its members wherever it chose. True, the congregational prerogative was recognized insofar as the call was to be ratified and extended by the parish in question. But that this did not constitute any real right or authority of the congregation is evident from the following example.

The elders of Tulpehocken and Northkill were required (August 24, 1748) to sign a document in which appeared the statement:*** "Furthermore we promise to recognize, receive, respect, honor and hear the teacher (minister) as our lawful and divinely called teacher as long as the Rev. College of Pastors will see fit to leave him with us; nor to make any opposition in case they should be pleased for important reasons to call him away and to put another in his place; moreover, to receive and regard his successor with equal love and duty."

* Fortenbaugh, p. 54. **Luth. Cycl.p.493. ***Bente, p.78, ***Bente, p. 78 (quoting Graebner, p. 301f).

Bente ~~also~~ cites the following from Graebner:* "One's indignation is roused when reading how the elders of the Lancaster congregation were treated at the first synod. These men defended the by no means improper demand of their congregation that such as had fallen away to the sects and again returned should subscribe to the constitution of the congregation before they once more were recognized as members. In spite of the opinion of the assembly and the utterly wrong admonition 'to leave it to their pastor', the elders 'adhered to their opinion'. Immediately their conversion is questioned, and 'all the elders who have not yet been thoroughly converted are admonished to convert themselves with all their heart.' The remark of the minutes, 'They kept silence,' conveys the impression that the rebuke had been merited, and that the cut was felt."

Bente also cites the following instance:** "The congregation at Lancaster desired Kurtz as their pastor instead of Handschuh, whom the Ministerium was planning to send to them. Muehlenberg, however, reports: 'We bade them consider this and demanded a short answer, giving them to understand that, if a single one of them would be restive and dissatisfied with our advice and arrangement, we would consent to give them neither the one or the other, but would turn to the other congregations still vacant and leave the dust to them. They must consider it a special favor that we had come to them first!'"

From the nature of the "Agreements" and the stipulations in the constitution of 1781 it is evident that as far as the

* Bente, p. 79 (quoting Graebner, p. 320). ** Bente, p. 80f.

**Bente, p. 80f.

pastor was concerned, his position was one of deference and respect, of subordination and accomodation to the Ministerium, no matter how far his authority extended in his own congregation. He was forced to depend upon the Ministerium for his licensing, his call, his installation, and his aurohority in the congregation which he served. He was subject to removal from his position at any time, and neither he nor his congregation might protest, according to the articles which they had signed. He promised (e.g., Pastor J. H. Schaum*) to be "faithful and obedient" to the pastors of the Ministerium. The resolutions of the synod were considered binding upon the congregations.

However, the final authority did not rest with the Ministerium either. The superiors of the United Congregations and their pastors were the "Fathers in Europe." ** They had commissioned them, and to them they were responsible. This is evident from the nature of the reports which especially Muehlenberg made to the Halle group. In 1750 the Ministerium went on record, in answer to a request from the Philadelphia congregations, to the effect that "We have no right to ~~make~~ changes without the previous knowledge and permission of the Fathers in Europe."***

Bente characterizes the entire system in a few terse sentences: "The pastor ruled the elders; the pastor and the elders ruled the congregation; the/ synod ruled the pastor, the elders, and the congregation; the College of Pastors

* Bente, p. 80. * * * *Gruebner, p. 330.*
 ** Ibid., p. 81.
 *** Graebner, p. 330.

ruled the synod and the local pastor together with his elders and his congregation; and all of these were subject to, and ruled by, the authorities in Europe. The local congregations were taught to view themselves, not as independent, but as parts of, and subject to, the body of United Congregations and Pastors."*

The polity of the Ministerium of Pennsylvania as we have seen it outlined thus far in this chapter is a far cry from the democracy of the majority of Lutheran church bodies in America today. It has been called by some hierarchical. And in a sense it was so. Yet in attempting to evaluate it we must not lose sight of three facts: I. That it was a mild and effeminate sort of hierarchy as compared with that to which many of the people from Germany had been accustomed. II. That no matter what form of government it may have been, it was a form of ecclesiastical organization, polity, and administration, which in itself was a tremendous blessing when we recall the chaos prevalent before its introduction.** III. The attitude of the pastors was not that of exploitation and tyranny. Their object was to give their congregations what they most needed, namely some form of order and discipline, both in doctrine and practice, lest they be lost to the Church entirely. We may not approve of their paternalism in theory, but can only be thankful for it when we view it as a historical fact.

* Bente, p. 77.

** Jacobs, Hist., p. 370.

The titan of the times, the guiding spirit and the sustaining energy which enabled these men to accomplish the gigantic task of organizing the polity of an entire Church and to do it so efficiently that it endured at least in part throughout the history of Lutheranism in America--that man was Henry Melchior Muehlenberg! We do not wish to overrate his person, his abilities, or his accomplishments. He would have been the last one to tolerate that. But we may safely pay the tribute to his work: "Though there were Lutheran congregations and pastors among the Dutch on the Hudson, and among the Swedes on the Delaware, as early as the first half of the seventeenth century, and later on among the numerous German immigrants, still the real organization of the Lutheran Church in America on the foundation of the Fathers, only dates from the middle of the eighteenth century, and is due to the Rev. Henry Melchior Muehlenberg, by common consent the patriarch of the Lutheran Church on this continent."*

F. The Later Development of Polity in the Ministerium.

Muehlenberg died on October 7, 1787. Properly speaking this marks the end of an epoch in the development of church polity in the United States. The next event of any comparable importance is the formation of the General Synod. However, even that is based upon the Pennsylvania Ministerium and consequently upon Muehlenberg's work. And for that very reason we shall follow the growth of the views and polity of the Pennsylvania Ministerium until 1820 before we proceed to the discussion of the General Synod in the next chapter.

* Spaeth, "Krauth", p. 316.

The year 1792 already saw a revision of the constitution adopted eleven years earlier. Much had taken place during these eleven years which gives us reason for anticipating a change in attitude on the part of the Pennsylvania Ministerium. The Revolutionary War had come to a close, and with it there was everywhere rampant a spirit of liberalism and of decentralization. This was noticeable also in the Church. It had its effect on doctrinal position in that it paved the way for the inroads of rationalism and indifferentism. Parallel to this sentiment of independence was that of union, or to be more technical, unionism.

The Ministerium of Pennsylvania did not escape these influences. That the great political changes of the preceding years had been affecting church life is evident from the fact that at the convention in May, 1788, Pastor Voigt moved: "To examine the ministerial order by paragraphs, and to make such alterations or additions as were considered expedient and suitable to our times and needs."* It was an age of constitution making, of discussion and thought upon the governing principles in Church and state. The lay element was equally affected. At the convention of 1791 "A paper from the honorable corporation of St. Michael's and Zion's congregations in and about Philadelphia was read, in which the said corporation stated, that in their opinion the general welfare of all the Lutheran congregations would be advanced, if the delegates of the respective congregations had a seat and a vote in every meeting of the Ministerium--

* Documentary History, p. 233.

whereupon it was

Resolved, That each of the United Congregations be authorized to send one delegate to the next Synodical Meeting, who under certain restrictions can attend the deliberations of the Ministerium, but must provide for his own expenses and lodging-- further it was

Resolved, That Drs. Kuntze and Helmuth draw up a plan, in which the above resolution be further defined, and that they lay this plan before the Synodical Meeting next year.

Resolved, That the two members named, look over the Ministerial Order, and change it as they judge necessary, and present such alterations also the the next meeting."*

The ultimate result of this widespread agitation, unrest, and desire for change was the revised Constitution of 1792. In form and expression this document is a great advance over that of 1781. In fact, it was reprinted in 1813, and served without further change until 1841. However, in the matter of prime importance for this study, namely, in its statements on church polity, there is little progress to be noted. The Ministerium was still a ministerium. Though modified suffrage was granted the lay delegates, the ruling body was still the clergy. A few remarks on this Constitution of 1792 will show, by comparison with the principles of its prototype, that there was no fundamental change in the concept of the organization or its polity.

A distinction is made between "Ministerial meeting" and "Synodical meeting". This is to indicate a concession to

* Documentary History, pp. 240-241.

the Philadelphia congregations, whose request for a voice in matters was partly answered. They were given the privilege of voting with certain very definite restrictions. Nowhere were they recognized as having equal privileges with the pastors. Stringent safeguards are provided, to forestall the possibility of lay control. Section Ten, for instance, stipulates that there shall be no more voting lay delegates than ordained pastors and licensed candidates. Furthermore, according to the rights as they were granted here, the lay delegates were to have no voice in important matters, such as questions of orthodoxy or heterodoxy; matters pertaining to candidates or catechists; or admission to and expulsion from the Ministerium.

The resolutions of Synod were regarded as binding upon the congregations. Ch. 6, Par. 14: "Whereas the United Congregations are represented in the synodical assembly by their delegates and have a seat and vote in it, they accordingly are bound willingly to observe the decisions and resolutions of the synodical assembly and of the Ministerium."*

The duties, powers, and honors of the president were somewhat enlarged; Ch. 5, Par. 1, Sec. 1, reads: "All ordained ministers are equal in regard to rank or title, excepting the officers spoken of before; they have therefore, in their congregations, no other superintendents but these officers, and these only in so far as this Constitution renders it incumbent upon them, to impart their views and advice to ministers."**

* Bente, p. 83.

** Fortenbaugh, p. 74.

There is only one other important development in this period before the formation of the General Synod, and that is the authorization within the Ministerium of District Conferences. This was finally done in 1801, and was to add considerably to its influence and power. In several instances these district conferences formed the nuclei of later Synods, and three were lost to the Ministerium in that way.

backgrounds and traditions, and of slightly divergent views, was inevitable. As was to be expected, these views clashed, and ran out rather sharply in certain cases. So that while the General Synod was the first agency for inter-synodical union of any permanency, it was at the same time the occasion for the first inter-synodical controversies of major proportions.

In order to give a true picture of the General Synod and the policies which it adopted, we must have at least a brief statement of the principles observed in the synods which occurred to form it prior to their entrance into the General Synod. It will not be necessary to dwell upon any one of them at great length. For all were organized along about the same lines as the Pennsylvania Ministerium had used. One, in fact, was merely an outgrowth of a District Conference of the Pennsylvania Ministerium, (Maryland-Virginia Synod). Only in those features where their practice affected the study of the development of the General Synod's policy will it be necessary to sketch their constitutional stipu-

... for the numerical strength of the Lutheran ... in ... are given in McClinton and Strong, ...

... statement of General Synod objectives ... in ...

CHAPTER FOUR

From the Origin of the General Synod Until 1827.

The General Synod was organized at Hagerstown, Maryland, October 22, 1820.* Its purpose was the union of all independent synodical bodies in the country at that time.** That this would bring together groups of widely varying backgrounds and traditions, and of slightly divergent views, was inevitable. As was to be expected, these views clashed, and clashed rather sharply in certain cases. So that while the General Synod was the first agency for intersynodical union of any permanency, it was at the same time the occasion for the first inter-synodical controversy of major proportions.

In order to give a true picture of the General Synod and the policies which it adopted, we must have at least a brief statement of the principles observed in the synods which combined to form it prior to their entrance into the General Synod. It will not be necessary to dwell upon any one of them at great length. For all were organized along much the same lines as the Pennsylvania Ministerium had used. One, in fact, was merely an outgrowth of a District Conference of the Pennsylvania Ministerium, (Maryland-Virginia Synod). Only in those features where their position affects the study of the development of the General Synod's polity will it be necessary to sketch their constitutional stipu-

* Fern, p. 37.
Statistics for the numerical strength of the Lutherans in America at this time are given in Mc Klintock and Strong, p. 581

** An excellent statement of General Synod objectives and principles is contained in Jacobs, Encycl., pp. 193-195.

lations. The synods participating in the organization were: The Pennsylvania Ministerium, The New York Ministerium, The North Carolina Synod, and the Synod of Maryland and Virginia.

A. Its Constituent Elements.

1. The Pennsylvania Ministerium has been treated at some length above.

2. The New York Ministerium. It was founded October 23, 1786 at Ebenezer Church in Albany, New York, by pastors Kunze (Muehlenberg's son-in-law), Moeller, and Schwerdfeger, all former Pennsylvanians. "The doctrinal basis of the New York Ministerium was the same as that of the mother synod to which the three original members had belonged until 1794, when the New York Ministerium adopted the revised constitution of the Pennsylvania Ministerium, in which the Lutheran confessions were ignored, though the pastors were usually expected to promise fidelity to them."* Under its second president, Dr. F. H. Quitman, it became committed to extreme rationalism and unionism.**

As has been noted, it originally adopted the polity of the Ministerium of Pennsylvania with but one change worthy of mention, i. e., the modification which assured the lay delegates of "seat and vote" ("Sitz und Stimme"). Neither does the organization of the individual congregation offer

* Concordia Cyclopedia, p. 780.

** Schaff-Herzog, p. 86.

anything distinctive, but was patterned very closely after the constitution of St. Michael's Philadelphia (for which see p. 28-29).*

A number of significant changes are to be found in the Constitution of 1816, which was drawn up when the need for a revision of policy made itself felt. The body is now composed not only of the clergy, but of "The Ministers and representatives of the Evangelical Lutheran Churches in the State of New York." The president holds office for three years, is eligible for reelection, and has the authority of counsel and admonition only, not of direction or compulsion. The parity of all ministers is clearly set forth: "Each is to be regarded as the bishop of his own church". "All ordained pastors are perfectly equal as to rank, title or privileges, having no power the one over the other; they have no overseer in their respective congregations..... Each minister has the right to adopt such regulations in his own congregation as the circumstances may require.... Each minister has a right to leave one

* Kraushaar, p. 57: "Die Uebereinstimmung dieser Ordnung mit der der St. Michaels-Gemeinde zu Philadelphia vom Jahre 1762 ist augenfaellig. Die Abweichungen in I, 1,4, 6,7,9,10,13,14; II, 1,2,6,10,11; III, 7; die Hinzufuegung der neuen Paragraphen II, 13-15; III, 3,5,6 sind nicht prinzipieller Art, selbst nicht die Uebertragung der Untersuchung einer Klage gegen den Pastor an den Kirchenrat anstatt, wie es bei der pennsylvanischen Ordnung der Fall ist, an die Synode; denn im Staate New York bestand 1784 noch keine Lutherische Synode.

church and remove to another, but he must give the President timely notice of his intended removal." --Chap. V.

"Chapt. VII, 'Of Lay-Delegates, or Representatives of Congregations in the Synod of the Ministerium,' recognizes the independence of separate congregations but at the same time also recognizes the need of each of these of mutual counsel and assistance. Accordingly, in order that common measures for promoting knowledge and religion may be entered into and that the rights of the congregations may be protected, the churches connected with the Ministerium are entitled to representatives in its Synods through delegates. However, congregations are to be limited in representation by seated and voting delegates to the number of settled pastors or licensed candidates, but provision is made for the reception of commissioners under any circumstances for special purposes. Lay delegates must be properly certified to have the right to all privileges of the house except the examining, licensing, or ordaining of candidates and the admission to or exclusion from the ministry, 'and the discussion of weighty articles of faith or cares of conscience.' Continued representation by congregations in the Ministerium is dependent upon submission to the recommendations and resolutions of the body and upon sharing all expenses and services designed for the welfare of the associated churches and the advancement of the common cause, if such congregation has been represented by a delegate in the synodical meeting at which time the action in question was taken."*

* Fortenbaugh, pp. 81-83.

Thus while there were many striking similarities to the Constitution of the Pennsylvania Ministerium (as is to be expected, considering that some of the founders were members of this body), yet there was one distinctive feature in the organization of the New York Ministerium, and that was the recognition of congregational rights and privileges to a degree hitherto unheard of in the Lutheran Church of America. And though there is no evidence of a full appreciation of the proper relation of synod, pastor, and congregation, yet it was to be the chief protagonist of this form of church polity until the advent of the Missourians.

3. The Synod of North Carolina.* This group was organized at Salisbury, North Carolina, May 2, 1803. Its polity as stated in the constitution of 1817 is adequately characterized by Kraushaar:** "As for the remainder (i. e., with the exception of Art. VIII, which designates the grades of clerical office as: Catechist, Candidate, Deacon, and Pastor) the thirteen articles of this constitution from a brief summary of the Pennsylvanian constitution."

Items of special interest were the application which was occasionally made of the authority thus established. Art. 11 of the earlier constitution (1803) states that "all the lay delegates from the various congregations

* Of great help to an understanding of conditions in the Carolinas is the information contained in Bernheim's "History of the Lutheran Church in North and South Carolina." The account in it is not always objective and is embellished with personal reminiscences; but the picture it portrays is interesting and useful.

** Kraushaar, p. 279.

served by one pastor taken together have but one vote." Each convention elected its president or chairman. At the convention of 1815 the question was raised whether a pastor might leave his congregation and go elsewhere without first obtaining the sanction of the Synod. The unanimous answer was: No. In 1817 it was decided that "no book shall be introduced into public services in our churches without first being endorsed by Synod, and this endorsement inserted in the book." Article IV of the Constitution of 1816 stipulates that "every congregation has a vote and the majority decides; but the lay deputies taken together have no more votes than the number of ministers belonging to our ministry respecting the general concerns." The right of ordination was reserved for the Synod.

4. The Maryland-Virginia Synod: Resulted from a peaceful division within the Ministerium of Pennsylvania, whose polity it continued to observe. It was properly organized first in 1820, and therefore had developed little of a distinctive nature before the formation of the General Synod.

B. The Polity of the General Synod.

The study of the polity of the General Synod is important for two reasons, namely because it was the first inter-synodical organization and one which was to exert a powerful influence for more than four decades; and secondly because it gave rise to the first controversy on church polity.

Four features connected with its formation are of special interest and significance:

- I. The "Planentwurf".
- II. The Constitution.
- III. The "Formula", which was the basis of congregational administration.
- IV. The recommended constitution for its Synods.

A study of these four documents will serve to give us the views on church polity within the General Synod.

I. The "Planentwurf."

The idea of uniting the various Synods had been broached as early as 1811 in the North Carolina Synod. Therefore, at the meeting of the Ministerium of Pennsylvania, in 1818, the formation of a general plan which might serve as the basis for such a union was resolved. At the convention of 1819 this so-called "Planentwurf" was ready, and in the months following, all congregations and ministers were to study it. This was the case not only in the Pennsylvania Ministerium but also among the Carolinians. Since this plan did eventually (1820) become the nucleus of a constitution for the General Synod, we give it in full:*

" PROPOSED PLAN (PLAN ENTWURF).

1. This central union of the Evangelical Lutheran Church in these United States shall be carried into effect and maintained by an organization to be called THE GENERAL

* Documentary History, pp. 542-544.

SYNOD OF THE EVANGELICAL LUTHERAN CHURCH IN THE UNITED STATES OF NORTH AMERICA.

2. This General Synod shall be composed of delegates from all the Synods now existing in the United States, and of such as may be organized in future, which join this union, in the following ratio of representation, viz.:

Every Synod composed of six ministers may send one; of fourteen, two; of twenty-five, three; of forty, four; of sixty, five; and of eighty-six, six clerical delegates to the General Synod, and for every two clerical one lay delegate. In case, however, a Synod is entitled to only one clerical delegate, such Synod shall also have the right to send with him one lay delegate.

All delegates appearing in the General Synod in accordance with the above ratio shall have equal privileges and equal votes as members of the body. The manner of electing delegates, as well as the mode of meeting their expenses, is left to the discretion of each Synod.

3. The General Synod elects its own officers, whose (term of) office continues until the next General Synod; and fixes the time and place of the next meeting, in such manner, however, that at least one General Synod is held in three years.

4. The General Synod has the exclusive right with the concurrence of a majority of the particular Synods to introduce new books for general use in the public church service as well as to make improvements in the Liturgy; but until this be done, the hymn-books or collections of hymns now in use, the Small Catechism of Luther, the Agenda already adopted,

and such other books as have been adopted by the existing Synods shall continue in public use at pleasure. But the General Synod has no power to make or demand any change whatever in the doctrines (Glaubens lehren) hitherto received among us.

5. If twenty-five ministers living in close proximity in a fixed district, of whom, however, at least fifteen must be ordained ministers, make application to the General Synod to be permitted to form a Synod by themselves, and the Synod to which they have hitherto belonged having received formal notice of their intention to make the application, which notice must first be given in every instance, presents no weighty reasons to the contrary, the General Synod has authority to grant their application. And if there should be no separate Synod in an entire State, and six ordained ministers living in it should make application for that purpose, the General Synod shall permit the formation of a new Synod in that State. But until the consent or permission of the General Synod has been formally given to it, no newly-organized body shall be recognized as a Ministerium among us, and no ordination performed by it shall be recognized as valid by us.

6. Those Synods now existing, as well as those formally recognized or organized by the General Synod, shall never be hindered in the appointing and ordaining of ministers at their own discretion within their own bounds. They also retain forever the privilege of establishing rules and regulations with regard to the internal arrangement

and control of the affairs of their own districts; provided, however, that such rules and regulations are not in conflict with these fundamental articles of the general organization; and only in cases of appeal can the General Synod have anything to do with such internal rules and regulations of the particular Synods.

7. The General Synod is authorized by and with the approval of a majority of the particular Synods or Ministeriums proper, to fix grades in the ministry which are to be generally recognized. But until this be done, the grades at present established by the particular Ministeriums shall continue as now in force.

8. If by reason of human frailty dissension or division in regard to doctrine or discipline should arise in any Ministerium, such dissensions or divisions shall be brought before the General Synod for decision only when a full third of the members of such Ministerium present appeal to it for that purpose.

9. Every minister who is not satisfied with the decision of his Synod with reference to himself personally, his conduct or his administration of his office, has the right to appeal to the General Synod.

10. Each Synod retains the right of granting to visiting ministers from other Synods voice and vote. But no minister shall have the right to go from one Synod to another as a full member, unless he present a certificate in which the officers of the Synod to which he belonged set forth his grade in office, attest his good character to the best of their knowledge and declare their consent to his transfer.

11. This proposed plan is to be sent to all Evangelical Lutheran Synods or Ministeriums in these United States as a proposal for a general organization..."

The outstanding features of this Planentwurf may be summarized thus:

1. The constitution of the General Synod is to be the supreme authority for all the synods which are members, since their rules and regulations are to be in full accord with the principles and stipulations of the general body.

2. In cases which are appealed the General Synod may take a hand in the internal arrangements of the respective synods and thus exert at least a moulding and guiding influence on its polity. Art. VI.

3. The General Synod is vested with the sole authority to publish books for the use of the churches which belong to it. Art. IV.

4. No new synods may be organized without the consent of the General Synod. Art. V.

5. In certain cases the general synod may pass judgment upon the validity of ordination. Art. V.

6. The general synod has the right to determine the degrees in ministerial office. Art. VII.

7. Regulations are established concerning the transfer of a pastor from one synod to another. Art. X.

II. The Constitution.

By 1820 this proposal had been accepted by the synods which were to form the General Synod, and on October 23 of

that year the representatives of the synods of Pennsylvania, New York, North Carolina, and Maryland-Virginia met and framed a constitution to be ratified by the respective bodies. The first convention of the General Synod under this constitution was held at Frederickstown, Maryland, on Oct. 21-23, 1821. The "Planentwurf" as prepared and proposed by the Pennsylvania Ministerium furnished the essential features of this constitution. Concerning the polity of the organization it stated in effect:

1. The principles of the Planentwurf that the constitution of the General Synod was to form the supreme authority for the smaller synods, is not upheld.

2. The General Synod is not granted the privilege of deciding contested cases, but only of rendering an opinion and giving its advice. The latter can be done only in a case involving two synods.

3. The right delegated to the General Synod in the Planentwurf, or printing and editing all books to be used by the congregations, is modified to the extent that it may now only advise, admonish, or give its opinion. It has the privilege of printing books itself.

4. Concerning the founding of new synods the position of the Planentwurf is reaffirmed.

5. Concerning the decisions on the validity of the call nothing is stated in the constitution.

6. The prerogative of establishing ministerial grades or ~~other~~ orders assured the General Synod in the Planentwurf is now made to read that it may give its "wohlueberlegten Rat."

7. The stipulations concerning the transfer of a pastor from one synod to another are removed.

8. While the Planentwurf provides for only one lay representative for every two pastors, the constitution assures laymen of equal representation.

9. Obvious efforts are made to prevent the misunderstanding of any synods concerning the alleged hierarchical tendencies of the General Synod as these excerpts will show:

Art. III, Sec. 2, Par. 3: "the General Synod was never to be allowed to possess, or arrogate unto itself, 'the power of prescribing among us uniform ceremonies of religion for every part of the Church'; or to introduce such alterations in matters appertaining to the faith, or to the mode of publishing the Gospel of Jesus Christ, (the Son of God, and ground of our faith and hope) as might in any way tend to burden the consciences of the brethren in Christ."*

III. The "Formula".

This "Formula", adopted in 1823 and altered slightly in 1827 became the official directory of the General Synod for the government of individual congregations and thus an integral part of its polity. It is therefore in order that some study be devoted to this document and its principles.

Art. I, Sec. 7 gives the broad basis of principles upon which the congregational constitution is to be founded: "Adhering to the same principles, the Church

* Fortenbaugh, p. 155.

in America is governed by three Judicatories: the Council of each individual Church, the District Synods, consisting of all the clergy and an equal number of laymen from a particular district of country, and one General Synod formed by representatives from all the different Synods of the Lutheran Church. The ratio of clerical and lay representatives is determined in the Constitution of the General Synod; and the powers of this body are only those of an Advisory Council."*

An interesting supplementary comment on this is contained in Chap. IV where we learn that "The church council is the lowest judiciary of the Church, consisting of the pastor or pastors and all the elders and deacons of a particular church."**

Other points can be summarized thus:

1. Rule and norm of life and faith is the Word of God. I, 3.
2. No civil or ecclesiastical authority has the right to bind the conscience of the individual. Art. I, 4.
3. The invisible Church is a spiritual body, and includes the whole number of all believers. Art. II, 1.
4. The visible Church is the total number of those who have been baptized. Art. II.
5. It is the duty of every Christian to become a member of the visible Church. Ch. I, 3.
6. The historic basis of the visible Church is the congregation. II, 3.

* Fortenbaugh, p. 190.

** Ibid., p. 191.

7. Duties of the congregation. II, 2.

a. Providing for the administration of the pure Word and Sacrament in its midst.

b. Guard the purity of faith and life of its hearers.

6. Disseminating the Gospel over the whole earth.

8. The jurisdiction of the church over its members is only of a spiritual nature, and valid only insofar as it agrees with Scripture. II, 2.

9. The Lutheran Church of America recognizes three units of church government. I, 7.

a. The church council of the local congregation.

b. The district synod.

c. The general synod.

10. Norm of life and faith for the Lutheran Church is the Word of God as expounded in the Augsburg Confession. I, 7.

11. Church officers are:

a. By divine institution, the pastor.

b. By human institution, the elders and deacons of the congregation. The holders of these three offices constitute the church council.

12. The Synod has jurisdiction over the pastors, the council over the members of the congregation, the congregation over the members of the council.

13. Appeal from the decision of the council to the general synod is permitted.

This was changed very little through the years, and will give an accurate presentation of the guiding principles of the General Synod during its entire existence.

IV. The Constitution for District Synods.

At the convention of 1827 it was resolved to draw up a constitution for the various district synods who were members of the General Synod. Its salient features were these:

1. "A synod consists of all the ministers and licensed candidates, and an equal number of lay-delegates, within a certain district"*

2. The number of lay votes was never to exceed that of the clergy.

3. The pastors are charged with the duty of safeguarding the purity of doctrine and seeing that the rules of discipline are observed.

4. The Ministerium has the power to cite before it any member within its territory.

5. Refusal to obey either the constitution of the General Synod or its resolutions excludes from membership in the larger body.

6. Lay delegates shall have equal rights with the minister in all matters belonging to Synod.

7. Licensure of candidates is a recognized practice, and regulations are laid down concerning it.

8. Ordination is likewise the duty and prerogative of the Ministerium.

We shall have frequent occasion later in this work for referring to these documents and the principles which

* Fortenbaugh, p. 196.

are embodied in them. Therefore further analysis is unnecessary at this point. It now becomes necessary to enter upon the minutiae of controversialism.

C. Its Opponents.

These must be divided into two classes. There were first of all the New York Ministerium, the Pennsylvania Ministerium, and the Ohio Synod whose "opposition" was not what could be called violent, nor was their attitude at all times that of counteracting the policies and purposes of the General Synod. They have been included under this heading because they were not at all times in perfect agreement with the General Synod and showed this by withdrawing from membership in it for a period of years, (or in the case of Ohio, not even joining). Nor can we say that their reasons were strictly or even essentially those of polity, but it is necessary to sketch their relation to the General Synod for the sake of completeness when considering its later history. The synod whose opposition was more pronounced and based more clearly upon objections to polity was the Tennessee group. A study of these individual bodies and their contacts with the General Synod will bring this out more clearly.

1. The New York Ministerium.

Though the New York Ministerium had sent its delegation to the convention at which the General Synod was organized in 1820, it was, properly speaking, never a member of the

union until 1837. The Ministerium withdrew already after the first meeting, for widely varying reasons. Some of the members of the Ministerium feared the possible authority which an inter-synodical organization might exercise over their district synod if it joined. That was practically the only reason which could be classed as one founded upon polity. That there was little for the New York Ministerium to fear, will become evident from a comparison of their constitution (q.v., p. 45-48) and that of the General Synod (p. 54-56). There was no difference between the views of the two groups so essential as to prevent their union.

The New York Ministerium simply was not interested at the time.* In the committee report on the Planentwurf made to the Ministerium at the 1819 convention it is stated: "...all the good effects, which the proposed Plan anticipates, may be realized with less trouble, danger and expense, by a general adoption and enforcement of the fourth section in the 9th chapter of the constitution of this Ministerium. The committee continues by pointing to this provision of the constitution of the New York as 'eminently qualified, to contribute towards the general interest and welfare of the Evangelical Lutheran Church in this country;' and that 'it appears to be the most practical and effectual mode, by which unity and concord may be promoted and preserved'".**

* Fern, p. 42.

** Fortenbaugh, p. 161.

From this it appears that the fundamental reason probably was that the New York Ministerium felt it could get along very well without the General Synod and preferred to pursue its unionistic-liberalistic policies under the guidance of Dr. Quitman undisturbed.

In 1837 ^{it} they did join the General Synod and remained members until the founding of the General Council.

2. The Ministerium of Pennsylvania.

It would seem probable to expect no more ardent supporter of the idea of a larger synodical body than the Pennsylvania Ministerium. The General Synod was its child, and the Planentwurf was its creation. It is therefore somewhat surprizing to learn that already in 1823 the Pennsylvania Ministerium left the General Synod. And it is really amazing that one of its chief reasons seems to have been the fear of certain congregations that their congregational rights would be infringed.* This is on the face of the matter a strange objection from the group which had proposed the Planentwurf, a statement more determined in its position of centralization of power in the hands of the general body than the final constitution adopted by the General Synod was. So the Pennsylvania Ministerium which in 1820 had voted for entry into the General Synod by the overwhelming majority of 67 to 6,** in 1823 completely reversed its position and voted for withdrawal

* Schaff-Herzog, p. 87. Concordia Cyclopedia, p. 782.

** Documentary History, p. 581-582.

from the same body by a majority of eight to one (72 for withdrawal and only 9 against it).* Thus we have the anomalous situation in which the Ministerium of Pennsylvania withdraws because a polity which it suggested is too strong after it has been weakened. It seems necessary to arrive at the conclusion drawn by Fortenbaugh:** "There had been opposition on the part of individuals ever since the project was first broached, but no concerted action calculated to take the Synod from the general organization."

*Opposition to
Central government*

Probably the underlying reason for the attitude of the Synod of Pennsylvania is the fact that they did not wish to be hampered in their relation to the German Protestant Reformed Church with whom they were carrying on a bit of unionistic flirting at this time, and that in spite of the fact that some of them objected to what they called Schmucker's unionistic tendencies.*** But, be that as it may, they stepped out of the General Synod and did not reenter until 1853.

3. The Ohio Synod.

The Ohio territory had been served by men from the Pennsylvania Ministerium already since 1793. By 1818 they had finally received permission from the Pennsylvania Ministerium to form their own synod and accordingly

* Fortenbaugh, p. 184. *xxx Fern, p. 44ff.*

** P. 183.

*** Fern, p. 44ff.

organized on September 14 of that year. Their position on the question of a synodical union is not very clearly defined.

At the meeting in Canton, Ohio, on August 29, 1819, the Planentwurf was adopted.*

At the Zanesville convention the following year it was decided to reconsider the plan, and due to the influence of the New York Ministerium and the North Carolina Synod it was resolved that the project was impracticable, and that the Synod should suspend further action until they had the opportunity of studying the proposed constitution.**

When they met the next year (1821) at Sommerset, Ohio, the matter was discussed and held over for another year.***

This process was repeated at the 1823 convention, and nothing was ever done which would indicate that the Ohio Synod held membership in the General Synod. After the mother synod, the Ministerium of Pennsylvania, had withdrawn from the movement in 1823, there was no longer any question as to what the policy of the Ohio Synod would be. Cordial relations were always maintained with the larger body, but no union of any kind was ever effected.#

While it is true that some of the men in the Ohio Synod had conscientious objections to joining the General Synod because of its polity, as is evidenced also by the

* Peter-Schmidt, p. 22-23.

** Ibid., p. 23.

*** Ibid., p. 24.

Wolf, p. 346.

close contact that was maintained between Ohio and Tennessee, yet the motives that prompted the majority seem to have been purely those of practicability and convenience. They did not have much faith in the success of the venture, and these doubts were strengthened by the negative attitude of New York and Pennsylvania. The added distance which intervened between them and the other groups in the General Synod also argued against joining.

4. The Tennessee Synod.*

a. Its Origin

The general attitude of the Tennessee Synod in the subsequent history of Church polity in the Lutheran Church of America is foreshadowed in the story of its origins. In 1819, when the Planentwurf was under consideration in all of the Synods who were invited to join the movement toward a union, the officers of the North Carolina Synod called the meeting of the convention for a date five weeks before the appointed time, so that they might elect a delegate to attend the Baltimore Convention at which the General Synod was to be organized. The men in Tennessee objected at once to this "arrogance" (Bente). Now while we may admit that they were not notified in time, and that the constitution did not grant the officers the legal right to change the date of a meeting,** yet it was the only way of handling the matter with sufficient promptness

* An unusually objective and impartial study of certain phases of the General Synod-Tennessee Controversy is contained in Ferm's, "The Crisis in American Lutheran Theology", pp. 64-70.

** Wolf, p. 333.

to insure representation at the Baltimore Convention. It is easy to understand why the Tennessee pastors were incensed. The proposal was obnoxious to them and they did not wish to see it passed. Their chagrin was very natural when they heard that the plan had been adopted. But the nature of the protest they at once set up, and their insistence upon constitutional detail is indicative of their attitude in the matter of church government in the entire struggle which followed.

As a result of this and other little bickerings* which arose between the North Carolina Synod and its members in Tennessee, and especially because of North Carolina's intention of entering the General Synod, which the Tennesseans considered unionistic and hierarchical, several men in the Tennessee area under the leadership particularly of the Henkels in 1820 broke away from the North Carolina Synod and formed a synod of their own.

We may as well note at once for the entire discussion which now follows, that usually the chief objections of the Tennessee Synod against its opponents in the controversy which has made them famous was not the matter of polity, but was based upon questions of unionism and confessionalism. In these two points they were undoubtedly justified,** and as they have been duly commended by a great number of writers (Walther, Brohm, Pieper, Bente, et.al.) for their determined stand, it is not necessary

* Cf. Bernheim, pp. 415-445.

** Fern, p. 34-42.

to do so here. But the phase of the controversy which we shall treat, at times bears a different aspect.

Naturally, the remarks which we shall make refer not to their doctrinal or confessional position, but to the question of polity. What their position was will be evident when a number of statements are cited, issued by them at different times during the controversy.

b. Its Objections to the Planentwurf.

At the Convention of 1831 the Planentwurf was studied and the following objections to it were listed:

1. Whosoever desired to be recognized as a pastor would be compelled to pursue his studies at the proposed seminary of the General Synod.

2. Of those entitled to cast a vote there were two pastors to every lay delegate. "It would therefore be vain for a lay deputy to make the journey, except he desired the honor of being a servant of two masters."

3. The General Synod arrogated to itself the exclusive right to introduce new books for public worship.

4. Luther's Catechism also was to remain only until the Synod would introduce other books.

5. According to the Planentwurf, the General Synod could reject all articles of faith or omit them entirely.

6. Neither the Augsburg Confession nor the Bible was designated as the foundation of the General Synod, nor even so much as mentioned in the Planentwurf.

7. The General Synod was striving to establish a dominion over all Ministeriums, as appeared from the statement: "Until the permission or approval of the General Synod shall have been formally obtained, no newly established Body shall be regarded as a Ministerium, nor shall an ordination conferred by them be considered valid." "Accordingly," they said, "one had as much liberty as the rope permitted."

8. The General Synod claimed the right to specify the "ranks universally valid for the ministry." "Catechist," as the Report of 1820 has it, "candidate, dean, and pastor will no longer suffice; who knows but something higher will be required, such as bishop, archbishop, cardinal, or even pope!"

9. Pastors were granted the right to appeal from the decision of their synod to the General Synod. "Accordingly the case of a pastor, be he ever so bad, may drag on for years; and if, owing to extreme distances or other circumstances, the witnesses are not able to attend, he may finally even win it. This provision renders the matter similar to a temporal government, where appeals are commonly made from a lower to a higher court."

10. "One cannot be sure that a spirit desiring as much power as appears to be granted by this Planentwurf will be able to rest and not seek further power."

11. No one was able to guarantee that this Lutheran General Synod would not later on unite with the General Synods of the sects to form a National Synod, in which

the majority would then determine all articles of faith and all church-customs.

12. Such a National Synod would be able also to change the Constitution of the United States and compel every one to unite with this National Synod, impose taxes, etc.

Many of these objections are not valid, but we shall have opportunity to observe this a bit more closely in the next section.

c. Its Objections to the Constitution of the General Synod.

As we have seen, already the first draft of the constitution was of considerably milder tone and freer policy as far as the polity of the general body was concerned than the Planentwurf had been. This was probably in a large measure the result of objections from Tennessee and like-minded groups, who favored a weaker administration of inter-synodical affairs.

However, even that did not satisfy the ultra-democratic tendencies of the Tennessee Synod. Their objections to the constitution were equally as lengthy as those to the Planentwurf had been. Briefly they were these:

1. Objection to the statement of the preamble that "Christ hath not given her (the Church) any particular prescription how church government should be regulated."

2. That the General Synod was a "yoke of commandments of men", that it stated its purpose to be that of furthering peace, but that it had produced rather the opposite.

3. "The Lutheran Church was never heretofore governed by a general synod, yet she never was divided until this novel system was introduced."

4. The General Synod burdened the consciences of the people.

5. The Church is not to make laws, but to execute those made by Christ.

6. The General Synod made more necessary for union than was essentially necessary, namely preaching of the Gospel and proper administration of the sacraments.

7. The General Synod claimed for itself alone the privilege of printing the books to be used by its congregations.

8. It curtailed the exercise of Christian liberty in regard to ceremonies.

9. The statement of the General Synod constitution that no person was to be "oppressed because of differences of opinion" was interpreted to mean that the doors were being opened to all manner of heresy.

10. "Is the General Synod a plant which has been planted by the Heavenly Father? No. It was planted by the majority of votes."--David Henkel.

11. Objection is raised to the plan of establishing a common fund for paying missionaries, on the ground that the consecrated will labor without the promise of anything. Hierlings will be encouraged. "Was the mission of the primitive Apostles conducted in this manner? Had Christ established a general treasury out of which he

hired His Apostles by the month or year? Is it not enough that we have His promise?"*

12. The General Synod was the anti-christ, or was preparing his way. "They do not expect finally to prevent the establishment of this General Synod. They believe, rather, that the establishment of 'General Synods' are preparing the way for Antichrist. 'Antichrist will not, nor cannot get into power, without a general union, which is not effected by a divine harmony of godly doctrines; but by common temporal interests, and the power of a majority.' But they consider that they have a duty to instruct the people who are not wilfully blind. The Millennium is coming; but Antichrist must come first, and his kingdom is 'reared under a good garb; if it were not the case, no person would be deceived.'***

d. Study of the Controversy.

It will not be necessary to enter in upon all the ramifications of the controversial labyrinth into which this attitude of the Tennessee Synod plunged the Church of that time. Tennessee's position remained essentially the same as long as the struggle lasted. So did that of the General Synod, though the latter made concessions at times in an effort to induce the Tennessee Synod to join. That this was the case with the formulation of the constitution, we have already seen. In the revision of the

* Fortenbaugh, p. 176.

** Ibid., p. 178.

constitution made in succeeding years more of this was done, but the Tennessee Synod was insistent upon every point it had postulated, and it is not difficult to understand that the General Synod felt, as the larger body, that it could not afford to yield entirely to the demands of a small group. If we study the points before us we will have a clear picture of the fundamental differences between the two organizations and the principles which actuated them in the strife of the next decades.

Both views were defended by men who had the strength of their convictions to sustain them. We can safely say that even the most unjust of Tennessee's accusations, and even the strongest of Schmuckers policies were based upon the integrity and honesty of character for which these men stood even when their views were mistaken. What then caused the differences, and why could these men not arrive at a satisfactory compromise, or a union based upon one of the two positions?

One of the chief reasons probably is the respective background of the two groups. The General Synod was composed of men whose forefathers had been living in this country for a considerable number of years, in some cases a century or more. They had ingrained in them the principles of the Pennsylvania Ministerium, which were the principles of the Halle School, not particularly liberal in polity, as we have noted in a previous portion of this study. Then too, these congregations and their pastors had

passed through many years of disorganization and independence in its worst form. They had seen the disintegration which was threatening to engulf the Lutheran Church in America, and they determined to put an end to this chaos.* They had accomplished this in the Pennsylvania Ministerium. What then was more logical than to take the next step, and proceed to inter-synodical organization?***

The other reason which prompted them to take the attitude they did, was their fundamentally different conception of what church polity was to be. We may safely say from the stipulations which were made in the constitution of the General Synod as we quoted them above, (Cf. pp. 54ff) that they wished to safeguard the rights of the congregation. But they did not believe that it was good for these congregations always to exercise these rights. They felt that the purposes of union and cooperative effort would be best served by having a certain amount of authority vested in the synodical body. They saw nothing wrong in doing this, and any one who studies the principles, character, and objectives of the men who were involved in the movement will probably agree with the writer that their purpose was not to arrogate to themselves any authority for the sake of the power which it brought to their own person, though they did believe in a more centralized polity than that to which most American Lutherans are accustomed today. Furthermore, they did not intend to stretch the letter of

* Fern, p. 35.

** Jacobs, Hist., p. 357.

the constitution to the utmost in order to create a rule which it was never intended to establish. But their attitude was prompted by a sincere desire to better the condition of the Lutheran Church in this country by means of an organization which would lead it forth from the hopeless maze of sectionalism in which it found itself.

On the other hand, the principles of the men in the Tennessee Synod were the exact antithesis of those which prompted the General Synod men. Theirs was a frontier Lutheranism. Political organization was weak in their territory. Congregations were not so well established, traditions of government were not yet firmly founded among them. They had not yet faced some of the problems which had confronted the Lutherans farther east, problems which would probably never assume the same proportions among them that they had in the other synods. If they advocated a kind of "rugged individualism" in an ecclesiastical way, we can sympathize with them for upholding a principle which was until recently lauded quite generally throughout our political and social life.

Furthermore, they proceeded on the premise that the congregation is supreme and that no one has the right to legislate for it. Therefore any attempt to establish a somewhat more centralized form of administration met with determined opposition on their part. If these facts are borne in mind, a study of their objections to the General Synod constitution becomes more understandable. It will

be necessary to examine these objections a bit more closely. (Cf. pp. 69ff).

Point 1. Objection valid. The General Synod recognized this and removed it in its revision of the constitution.

Point 2. That the General Synod was a human institution no one denied. That it was a "yoke" was debatable, and depended upon the attitude of the individual. That it had not furthered peace was hardly its fault, but that of the Tennessee Synod, if anyone's. All of these objections are not based upon anything intrinsically wrong with the General Synod, but result rather from Tennessee's reaction to it.

Point 3. That this had never been done before was true, but that is no argument against the attempt to do so now. -- "Yet she was never divided until this novel system was introduced" is an obvious misstatement. It would be more correct to say that the Lutheran Church had never been united since it had left the confines of Wittenberg and Saxony.

Point 4. That the General Synod burdened the consciences of the people was true only in a very limited sense, if at all. It took authority which Scripture does not give to any organization other than the congregation. But this was a burden only if anyone objected to delegating this authority to the General Synod. Thus, while the Tennessee Synod may not have chosen to do this, and would have been perfectly justified in this position, yet again it cannot be adduced as showing that there was

anything inherently wrong with the idea for the congregation which chose to do so. The General Synod did not claim to have this authority by divine right, but was asking that all congregations joining it should delegate this authority to it. Thus while the Tennessee might refuse on the grounds of expedience, they had no right to deny any one else the privilege, and certainly could not call it wrong. The principle of the Lutheran Church has always been that any form of church government is permissible so long as it does not act contrary to the Word of God. The General Synod would have been doing that only if it had claimed that it possessed the powers which it demanded by divine right. This they did not do, but merely required that anyone belonging to their external body should abide by the rules they laid down.

Point 5. The objection is puerile. The two are not contradictories. It is obviously necessary for the Church to make regulations for which Christ never provided.

Point 6. True. It intended to. Its purpose was not primarily doctrinal, but practical.*

Point 7. Objection sustained. This ruling was later modified.

Point 8. True. If the Tennessee Synod demanded to have perfect freedom in this, then it is a valid objection. If they were willing for the sake of love, cooperation, and Christian union to restrict themselves in this way, it was not.

* Jacobs, *History*, p. 193.

Point 9. The Tennessee Synod had gauged the tendency in the General Synod correctly. It was unionistic. But to say that it is to be deduced from this phrase is stretching a point.

Point 10. Correct. It did not claim any more than that. No visible church organization on earth can claim to have been instituted directly by Christ.--The obvious rejoinder is the question as to when the "Heavenly Father" had set out the little sprig down in Tennessee.

Point 11. The wisdom of such a procedure as the General Synod here advocates has since been recognized by practically all Lutheran bodies which do any mission work at all. Introducing the analogy of Christ and the Apostles is a bit naive and hardly a valid argument since conditions were vastly different.

Point 12: Si tacuissent: A typical example of the absurd extremes to which misdirected polemicism frequently leads.

e. Conclusions.

We have stated once before that the Tennessee Synod was justified in opposing the General Synod on doctrinal grounds. We cannot, after seeing what their objections were, say the same about their position on church polity with an equal degree of assurance. So long as their objections were based upon purely practical reasons, they were still within the limits of their rights in refusing to join, though whether that was the wise

thing to do, or compatible with the principles of Christian fellowship and love, is another question. But as soon as they attempted to condemn the idea of a union such as the General Synod proposed, on the grounds that it was not Scriptural, their position cannot be sustained. There was no compulsion exercised to make anyone join. If, for the period of his membership in this organization, he relinquished the exercise of certain rights to someone else, there was nothing wrong with that, since none of those rights which were so treated had to be administered by the congregation (as for instance church discipline would have been) by divine ordinance. The Tennessee Synod permitted its "confessionalism" to smother both its consecration to Christian love and union and its common sense.

With this chapter we shall also leave the history of the Tennessee Synod and its famous controversy with the General Synod.

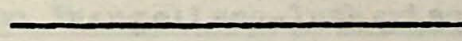
Estimates of this latter body and the spirit which pervaded it vary considerably. Schmucker, its champion and leader for many years, was a liberal, both in doctrine and practice. In his own words, the objectives and nature of the organization which he was sponsoring were these: "We answer, this union of Synods promotes the aim for which Christians from early times have formed themselves into congregations and separate Synods, and accomplished other important, highly worthy benefits, which the single parts could not accomplish for themselves."*

* Fortenbaugh, p. 219.

It is but natural that Schmucker should laud and defend his creation. Yet others (e.g., the Tennessee Synod) detected underlying currents and even open statements and practices which they considered highly dangerous. Bente is probably correct in his opinion that many of the suspicions which Tennessee entertained were correct, but that the objections which they advanced are not equally valid.

Thus we have come to the end of the period which this investigation is to cover. It is a period of vast importance, drastic changes, and widespread development. Beginning with the highly-governmentalized anarchy which pervaded the Swedish Church in America, we have traced the most significant developments that resulted in the first inter-synodical organization in the United States. Built up upon presbyterial-congregational lines it not only bears traces of the pietism, methodism, and legalism with which it came into contact during previous decades, but it also foreshadows the liberalism of the future Lutheran Church in America.

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